

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED  
08 APR 23 AM 9:46

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Martin Latray ARCHIBALD

Defendant.

Magistrate Case No. \_\_\_\_\_

08 MJ 1236

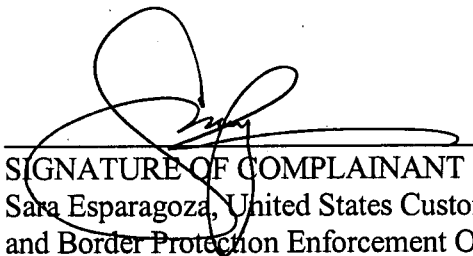
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section  
1324(a)(2)(B)(iii)-  
Bringing in Illegal Aliens  
Without Presentation

The undersigned complainant being duly sworn states:

On or about **April 21, 2008**, within the Southern District of California, defendant **Martin Latray ARCHIBALD**, with the intent to violate the immigration laws of the United States; knowing and in reckless disregard of the fact that an alien, namely, **Mayra VASQUEZ-Leon**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
Sara Esparagoza, United States Customs  
and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence, this 23<sup>rd</sup> day of April, 2008.

  
UNITED STATES MAGISTRATE JUDGE

**PROBABLE CAUSE STATEMENT**

The complainant states that **Mayra VASQUEZ-Leon** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 21, 2008, at about 10:30 PM., **Martin Latray ARCHIBALD (Defendant)** was waiting to make application for admission into the United States at the San Ysidro, California Port of Entry as the driver of a 1997 Saturn SE2. A United States Customs and Border Protection (CBP) Canine Enforcement Officer (CEO) was conducting pre-primary roving operations with his Human/Narcotic Detector Dog when the canine alerted to the fuel tank attached to the undercarriage area of the vehicle. The CBP Officer inspected the vehicle and observed brown cloth protruding from an opening in the fuel tank. A CBP Officer assigned to the Anti-Terrorism Contraband Enforcement Team initiated an inspection with Defendant and obtained two negative customs declarations. Defendant stated the vehicle belonged to a friend, and that he was going to Bonita, California. The CBP Officer conducted a cursory inspection of the vehicle and noticed what appeared to be a human being lying on top of sheet metal in a space under the vehicle, where the fuel tank would normally be located. The vehicle and its occupants were escorted to secondary for further inspection.

In secondary, an inspection of the vehicle revealed one female human being concealed in a special compartment from which she was unable to extricate herself. The special built compartment was located in a modified fuel tank affixed to the undercarriage of the vehicle. Access to the compartment was gained by removing the rear seats. The female was determined to be a citizen of Mexico without legal documents to enter the United States and is now identified as **Mayra VASQUEZ-Leon (Material Witness)**.

During a videotaped proceeding, Defendant was advised of his Miranda rights and elected to submit to questioning without benefit to counsel. Defendant admitted he was aware of the concealed alien. Defendant admitted he agreed to drive and deliver the concealed alien to a location in San Ysidro, California and in return would gain ownership of the 1997 Saturn SC2, excluding him from paying the solicited price that ranged between \$600.00 and \$800.00 USD.

On a separate videotaped interview, Material Witness admitted she is a citizen of Mexico without legal documentation to enter into the United States. Material Witness admitted she made arrangements with an unidentified male and agreed to pay a fee of \$2,000.00 USD to be smuggled into the United States. Material Witness admitted she was going to San Diego, California to seek employment.